

The Examiner has rejected claims 1-3, 5, 6, 15 and 18 as anticipated by Haaser. As noted by the Examiner, Haaser discloses a tray for photographic print developing. It is acknowledged that recess 13 is capable of receiving a scalpel, but any part of a scalpel received in recess 13 is capable of being contacted by a user's fingers. A user's fingers are thus not substantially prevented from contacting the scalpel blade in the tray of Haaser. By contrast, the container of the instant invention is arranged so that a user's fingers are substantially prevented from contacting the cutting portion of a scalpel blade contained within the container. Furthermore, recess 13 in the tray of Haaser does not include portions having a width slightly greater than that of the major cross-sectional dimension of a scalpel and depth slightly greater than that of the minor cross-sectional dimension of the scalpel. The dimensions of a photographic tray are substantially greater than would be required to meet the dimensional requirements of the recess of claim 15, and there is no suggestion in Haaser to modify the dimensions of recess 13. Hence claim 15, as amended, is not anticipated by Haaser. Claims 2, 5 and 6, as amended, are dependent on amended claim 15, and hence are not anticipated by Haaser either. The cancellation of claims 1, 3 and 18 renders the Examiner's rejection of them moot.

The Examiner has rejected claims 1, 3, 4, 9, 10, 15 and 18 as anticipated by Strauss. Strauss discloses an umbrella holder for a vehicle. Recess 26 is capable of receiving a scalpel, but any part of a scalpel received in recess 26 is capable of being contacted by a user's fingers. A user's fingers are not substantially prevented from contacting the scalpel blade in the umbrella holder of Strauss. Furthermore, recess 26 in the umbrella holder of Strauss does not include portions having a width slightly greater than that of the major cross-sectional dimension of a scalpel and depth slightly greater than that of the minor cross-sectional dimension of the scalpel. The dimensions of an umbrella holder are substantially greater than would be required

to meet the dimensional requirements of the recess of claim 15, and there is no suggestion in Haaser to modify the dimensions of recess 26. Therefore claim 15 as amended is not anticipated by Strauss. Claims 4, 9 and 10, as amended, are dependent on amended claim 15, and as such are not anticipated by Haaser either. The cancellation of Claims 1, 3 and 18 renders the Examiner's rejection of them moot.

The Examiner has rejected claims 1-3, 7, 8, 13-15, 17 and 18 as anticipated by Suzuki. Suzuki discloses a disposable safety guard for syringe needles and the like. While the safety guard of Suzuki might be capable of receiving a scalpel blade, it is not adapted to receive at least part of a scalpel handle, and the safety guard of Suzuki contains no portion of a recess which is adapted to receive at least part of a scalpel handle. Furthermore, the recess into which a scalpel blade could be received does not have a width slightly greater than that of the major cross-sectional dimension of a scalpel and a depth slightly greater than that of the minor cross-sectional dimension of a scalpel. The container defined in amended claim 15 is not anticipated by the disclosure of Suzuki. Since claims 2, 7 and 8 which stand rejected by the Examiner as being allegedly anticipated by Suzuki are each dependent on claim 15, they are not anticipated by Suzuki either. The cancellation of claim 1, 3, 13, 14, 17 and 18 renders the Examiner's rejection of them moot.

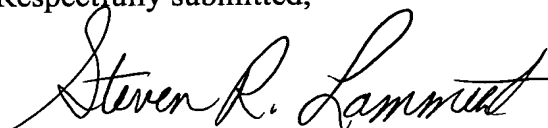
Claims 1, 2, 7, 8, 11, 15 and 18 are rejected by the Examiner as being allegedly anticipated by Kiyoshi et al. Kiyoshi et al. disclose a spare blade storage case for a barber's razor. The Examiner considers that in the storage case of Kiyoshi et al. recesses are provided by grooves 15 and guide means are provided at the top of side walls 3. However, grooves 15 are not dimensioned with a width slightly greater than that of the major cross-sectional dimension of a scalpel and depth slightly greater than that of the minor cross-sectional dimension of a scalpel. Furthermore, there is no disclosure in Kiyoshi et al. of a container arranged such that

a scalpel received within a recess is positioned therein such that the blade of a scalpel is located within one of two portions of the recess irrespective of the position of the scalpel in the recess. In the storage case of Kiyoshi et al., insertion or removal of a spare blade requires the application of some pressure; Kiyoshi et al. discloses that spare blade 2 is fixably inserted into the blade holder 14 (column 3, lines 16-17), emphasis added). By contrast, the container of the instant application is adapted to receive a scalpel in a substantially flat orientation and held relatively loosely within the recess so that it can be placed therein and retrieved therefrom readily by a user. These advantages of the container of the instant application are not taught or suggested by the storage case of Kiyoshi et al. Hence a container as defined in amended claim 15 is not anticipated by the disclosure of Kiyoshi et al. Since Claims 2, 7, 8, and 11, which also stand rejected by the examiner in light of Kiyoshi et al. are dependent upon amended claim 15, the container as defined in any of those claims is not anticipated by Kiyoshi et al. either. The cancellation of claims 1 and 18 renders the Examiner's rejection of them moot.

Applicants submit that the amended claims are in condition for allowance. Reconsideration of the claims leading to their allowance and passage of the application to issue is requested.

The Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 10-0435 with reference to our matter 20253-60398.

Respectfully submitted,

  
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